IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.857 OF 2007

Dr.Arun Ishwar Gawali ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.M.S.Mohite, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 2nd April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.25 of 2007 of Ratnagiri Town Police Station. The said case is mainly under Sections 420, 468 of IPC.

3. The applicant was serving as a Surgeon and he was posted as Class-II Medical Officer in the Civil Hospital at Ratnagiri. On 26.2.2006 the applicant produced some letters from Mantralaya, wherein it was stated that he was promoted as

Class-I Medical Officer and he was transferred to Civil Hospital at Alibag. The Medical Superintendent suspected the genuineness of the orders of promotion and transfer, hence he lodged report to the Ratnagiri Police Station.

4. Mr.Mohite the learned Advocate for the Applicant submitted that on account of the promotion there was no increase in salary of the applicant and hence the applicant would not stand to benefit in any manner on account of promotion. However, it is seen that it is not only an order of promotion, but, also of transfer. By the said order, the applicant came to be transferred from Ratnagiri to Alibag and his family was residing at Alibag. It is pertinent to note that it was only the applicant who stood to gain from such orders and no other person stood to gain from such orders. It is an admitted fact that the applicant had himself received the orders of promotion and transfer and he has handed over the same to the concerned authorities. The applicant has clearly relied on the forged orders in respect of his promotion and transfer.

5. In my view, the material collected by the prosecution in the present case is such as to point out an accusing finger towards the present applicant. The Apex Court has observed in the decision of **Directorate of Enforcement Vs. P.V.Prabhakar Rao,** reported in **1997 SCC (Cri.) 978** that when the material gathered by the prosecution is such as to point out an accusing finger towards the accused, it is not a fit case to grant anticipatory bail. Hence, application is rejected.

(SMT.V.K.TAHILRAMANI,J.)